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15 Attorneys for Plaintiff
16 PAUL CHEEVER

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18 **UNITED STATES DISTRICT COURT**
19 **NORTHERN DISTRICT OF CALIFORNIA**
20

21 PAUL CHEEVER,

22 Plaintiff,

23 v.

24 HUAWEI DEVICE USA, INC., and
25 HUAWEI TECHNOLOGIES, CO.,
26 LTD.,

27 Defendants.
28

Case No. 3:18-cv-6715 JST

**STIPULATED REQUEST FOR
ORDER CONTINUING
HEARING ON DEFENDANTS'
MOTION (ECF NO. 14) AND
~~PROPOSED~~ ORDER**

1 Pursuant to Civil L.R. 6-2, this stipulation is made by and between Plaintiff
2 Paul Cheever (“Plaintiff”) and Defendants Huawei Device USA, Inc. (“Huawei
3 Device”) and Huawei Technologies, Co., Ltd. (“Huawei Technologies”)
4 (collectively, “Defendants”). The parties stipulate to and respectfully request that
5 the Court continue the hearing on Defendants’ Motion to Dismiss, Motion to Strike,
6 and Motion for a More Definite Statement (ECF No. 14) from its current date of
7 April 25, 2019 to May 16, 2019 or another date convenient for the Court. This
8 stipulation is made on the following facts:

9 1. This action commenced on November 5, 2018, when Plaintiff filed his
10 Complaint. ECF No. 1.

11 2. On December 12, 2018, Huawei Device was served with the
12 Complaint and Summons. ECF No. 11. On December 19, 2018, Huawei
13 Technologies agreed to waive service of the Complaint and Summons (*see* ECF
14 No. 10), and Plaintiff agreed to stipulate to continue the deadline for both
15 Defendants to respond to the Complaint to March 19, 2019 (ECF No. 12).

16 3. On March 19, 2019—Defendants’ deadline to respond to the
17 Complaint—Defendants filed a Motion to Dismiss, Motion to Strike, and a Motion
18 for a More Definite Statement with a noticed hearing date of April 25, 2019. ECF
19 No. 14.

20 4. Plaintiff’s counsel currently plans to be out of the area on this hearing
21 date; several weeks before Defendants filed their Motion, he purchased non-
22 refundable plane tickets for a vacation for him and his family that week.

23 5. The parties seek to continue the hearing date to May 16, 2019 in view
24 of the undersigned’s conflict. The date is the next civil law-and-motion day that
25 appears to work for both the Court and Defendants’ counsel—the Court is
26 unavailable on May 2, 2019 according to its online calendar, and Defendants’
27 counsel has informed Plaintiff’s counsel that he will be traveling on May 9, 2019.

28 6. This stipulated request will not alter the briefing schedule for

1 Defendants' Motion or any other deadlines in this case; it is the second request by a
2 party to change a deadline in this action (*see* ECF No. 13).

3 WHEREFORE, for the convenience of the Court and the parties, the parties
4 respectfully request the hearing on Defendants' Motion be continued from April 25,
5 2019 to May 16, 2019 or another date convenient for the Court.

6 Pursuant to L. R. 6-2, the undersigned certifies under penalty of perjury that
7 the foregoing statements are true and correct. Pursuant to Civil L.R. 5.1(i)(3), the
8 undersigned attests that concurrence in the filing of this document has been
9 obtained from Defendants.

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11
12 IT IS SO STIPULATED.

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15 Dated: March 22, 2019

BYRON RAPHAEL LLP

16
17 By: /s/ Tim Byron
18 TIM BYRON

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1 **~~[PROPOSED]~~ ORDER**

2 Good cause appearing, the parties' stipulated request is GRANTED. The
3 hearing on Defendants' Motion (ECF No. 14) is continued to May 16, 2019.
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5 IT IS SO ORDERED.

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7 DATE: March 25, 2019 _____

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9 Judge Ron S. Tigar
10 U.S. District Court Judge
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